

Date signed June 07, 2004



*Paul Mannes*

PAUL MANNES  
U. S. BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
at Greenbelt

In Re:

NETCOM TECHNOLOGIES, INC.,

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\* Case No. 03-32325PM

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\* Chapter 11

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Debtor.

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NETCOM TECHNOLOGIES, INC.,

\* Adv. Nos. 04-1225PM through

\*

04-1234 and

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Plaintiff,

04-1311PM

\*

vs.

ANIXTER, *et al.*

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Defendants.

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**MEMORANDUM OF DECISION**

On May 4, 2004 (and on May 11, 2004, in adversary proceeding No. 04-1311), this Court issued an Order to Show Cause Why Sanctions Should Not Be Imposed upon Netcom Technologies, Inc., the Debtor-in-Possession, and its attorney of record, Linda D. Regenhardt, on account of the failure of the Debtor-in-Possession to serve process in thirteen (13) adversary proceedings in accordance with the provisions of Rule 7004 of the Federal Rules of Bankruptcy Procedure. Counsel failed to make service and requested that the Court reissue the summonses in each of these adversary proceedings.

Counsel's response states that this was a "clerical error" on behalf of her support staff. However, counsel misses the point. This misfeasance caused the case administrator to make

more than two dozen unnecessary entries. At a time when the staff of federal courts is being cut drastically because of budget limitations, it behooves counsel not to be the cause of needless labor for the overworked case administrators.

In concluding, the Court notes that at the time of the hearing, some answers had been filed, and counsel reports certain cases have been settled.<sup>1</sup> With respect to those adversaries that have not filed a response, the Court makes no finding with respect to the adequacy of the service of process by the method selected. A chart of all of the affected adversary proceedings is attached.

cc:

Linda D. Regenhardt, Esq., Gary & Goodman, 8500 Leesburg Pike, #7000, Vienna VA 22182  
Netcom Technologies, Inc., 7423 Lindbergh Drive, Gaithersburg, Md 20879  
United States Trustee, 6305 Ivy Lane, #600, Greenbelt MD 20770

**End of Memorandum**  
**(See Attachment)**

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<sup>1</sup> On May 26, 2004, this Court conducted hearings with respect to its Orders. Adversary proceeding number 04-1311 was not called by the Court despite an Order to Show Cause being entered and a notice of hearing generated. That Order is included in this Memorandum.

Adversary Proceeding No.	Parties	Nature of Action	Answer	Rule 26(f) Report
04-1225	Netcom Technologies, Inc. v. Anixter	Complaint to avoid and recover a preferential transfer.	No.	No.
04-1226	Netcom Technologies, Inc. v. Citizens Bank	Complaint to avoid and recover a preferential transfer.	Yes.	No.
04-1227	Netcom Technologies, Inc. v. GE CDF	Complaint to avoid and recover a preferential transfer.	No.	No.
04-1228	Netcom Technologies, Inc. v. McClure Electric	Complaint to avoid and recover a preferential transfer.	No.	No.
04-1229	Netcom Technologies, Inc. v. Norfolk Wire & Electronics	Complaint to avoid and recover a preferential transfer.	No.	No.
04-1230	Netcom Technologies, Inc. v. Pioneer Electric Supply	Complaint to avoid and recover a preferential transfer.	Yes.	No.
04-1231	Netcom Technologies, Inc. v. Primestock/Seltronics	Complaint to avoid and recover a preferential transfer.	No.	No.
04-1232	Netcom Technologies, Inc. v. Rexel Datacom	Complaint to avoid and recover a preferential transfer.	Yes.	No.
04-1233	Netcom Technologies, Inc. v. Rexel Inc	Complaint to avoid and recover a preferential transfer.	Yes.	No.
04-1234	Netcom Technologies, Inc. v. Tech Staff of Tampa	Complaint to avoid and recover a preferential transfer.	No.	No.

04-1235	Netcom Technologies, Inc. v. Valley Lighting, Inc. ----- Valley Lighting, Inc. v. Coakley & Williams Construction (third-party complaint)	Complaint to avoid and recover a preferential transfer and defendant's third-party complaint against Coakley & Williams the Continental Ins. Co.	Yes - Valley Lighting, Inc.  Motion to Dismiss filed by third-party defendants.	Yes.  <i>*Pre-trial conducted on June 3, 2004.</i>
04-1236	Netcom Technologies, Inc. v. Watkins, Meegan, Drury & Co.	Complaint to avoid and recover a preferential transfer.	Yes.	No.
04-1311	Netcom Technologies, Inc. v. Valley Lighting, Inc. ----- Valley Lighting, Inc. v. Netcom Technologies, Inc. (counterclaim) ----- Valley Lighting, Inc. v. Coakley & Williams Construction (third-party complaint)	Complaint for turnover of estate property; counterclaim; and third-party complaint against Coakley & Williams and the Continental Ins. Co.	Yes - Valley Lighting, Inc.  Motion to Dismiss filed by third-party defendants.	Yes.  <i>*Pre-trial conducted on June 3, 2004.</i>

**End of Attachment**